

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REUBEN AVENT,

Plaintiff,

-against-

NYS ATT. GEN. LETITIA JAMES, ET AL.,

Defendants.

19-CV-10923 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff brought this action seeking damages in connection with his efforts to obtain a charitable solicitation registration number for African World Wide Unity Incorporated, a nonprofit that he is establishing. Plaintiff named as defendants the New York State Attorney General and other state employees, and the private company assisting him with the required filings. By order dated January 17, 2020, the Court held that Plaintiff's complaint suffered various defects but granted Plaintiff leave to amend his complaint within sixty days.

A few days after the Court issued that order, Plaintiff submitted an *in forma pauperis* application and a new complaint, in which he alleges, among other things, that the onerous conditions of his parole supervision impair his ability to get or keep a job. In the new complaint, Plaintiff names as defendants the New York State Division of Parole, New York State Department of Corrections and Community Supervision Commissioner Anthony Annucci, and numerous parole officers. This new complaint was filed as an amended complaint in this action (ECF No. 11), even though neither the claims nor the parties have any relationship to this action, and the complaint was not labeled with the docket number for this action. The Court concludes that these documents (ECF Nos. 10-11) are not properly filed in this action and should be treated as a new civil action.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court further directs the Clerk of Court to (1) strike from this action the document filed as an amended complaint (ECF No. 11) and the *in forma pauperis* application (ECF No. 10), retaining the summary docket text for the record; and (2) open a new civil action with the documents that are stricken from this action.

The Court's January 17, 2020 order, granting Plaintiff sixty days to file, should he wish to do so, an amended complaint regarding alleged discrimination against him in his attempts to obtain a charitable solicitation registration number, remains in effect. (ECF No. 9.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: February 6, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge